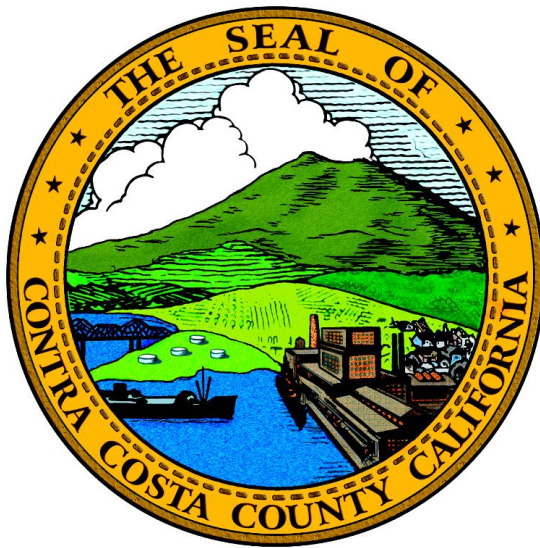


# In-Home Supportive Services Fraud Investigations and Program Integrity Plan



Contra Costa County  
2010-2011

## CONTRA COSTA COUNTY

### TABLE OF CONTENTS

ITEM		PAGES
1	Enclosure A	3
2	County Response Cover Page	4
3	Fraud Plan Budget	5
4	Current and Proposed Staffing	6
5	Plan Components	7 - 14
6	Enclosure D	15 - 16
7	Outcomes Data	17 – 18
8	Budget Justification	19 - 20
9	Quality Assurance Program Attachments	21

Enclosure A

COUNTIES	IHSS Anti-Fraud Activities 2010-11 Proposed Allocation			
	Federal Funds	State Share	County Share	Total
	\$13,789,000	\$10,000,000	\$4,286,000	\$28,085,000
ALAMEDA	\$630,394	\$456,840	\$195,802	\$1,283,036
ALPINE	\$4,678	\$3,390	\$1,453	\$9,521
AMADOR	\$10,404	\$7,540	\$3,232	\$21,176
BUTTE	\$103,451	\$74,970	\$32,132	\$210,553
CALAVERAS	\$14,489	\$10,500	\$4,500	\$29,489
COLUSA	\$15,952	\$11,560	\$4,955	\$32,467
CONTRA COSTA	\$312,051	\$226,140	\$96,924	\$635,115
DEL NORTE	\$9,328	\$6,760	\$2,897	\$18,985
EL DORADO	\$28,053	\$20,330	\$8,713	\$57,096
FRESNO	\$385,020	\$279,020	\$119,588	\$783,628
GLENN	\$23,072	\$16,720	\$7,166	\$46,958
HUMBOLDT	\$86,589	\$62,750	\$26,895	\$176,234
IMPERIAL	\$114,642	\$83,080	\$35,608	\$233,330
INYO	\$10,680	\$7,740	\$3,317	\$21,737
KERN	\$163,201	\$118,270	\$50,691	\$332,162
KINGS	\$39,645	\$28,790	\$12,314	\$80,749
LAKE	\$38,113	\$27,620	\$11,838	\$77,571
LASSEN	\$12,350	\$8,950	\$3,836	\$25,136
LOS ANGELES	\$4,922,460	\$3,567,260	\$1,528,926	\$10,018,646
MADERA	\$37,506	\$27,180	\$11,649	\$76,335
MARIN	\$93,750	\$67,940	\$29,119	\$190,809
MARIPOSA	\$18,974	\$13,750	\$5,893	\$38,617
MENDOCINO	\$102,899	\$74,570	\$31,961	\$209,430
MERCED	\$79,606	\$57,690	\$24,726	\$162,022
MODOC	\$8,224	\$5,960	\$2,554	\$16,738
MONO	\$7,562	\$5,480	\$2,343	\$15,391
MONTREY	\$142,240	\$103,080	\$44,180	\$289,500
NAPA	\$40,693	\$29,490	\$12,639	\$82,822
NEVADA	\$34,925	\$25,310	\$10,848	\$71,083
ORANGE	\$465,164	\$337,100	\$144,481	\$946,745
PLACER	\$57,211	\$41,460	\$17,770	\$116,441
PLUMAS	\$13,675	\$9,910	\$4,247	\$27,832
RIVERSIDE	\$450,855	\$326,730	\$140,036	\$917,621
SACRAMENTO	\$886,793	\$642,650	\$275,440	\$1,804,883
SAN BENITO	\$15,965	\$11,570	\$4,959	\$32,494
SAN BERNARDINO	\$698,768	\$506,390	\$217,099	\$1,422,197
SAN DIEGO	\$710,248	\$514,710	\$220,605	\$1,445,563
SAN FRANCISCO	\$740,247	\$536,450	\$229,922	\$1,506,619
SAN JOAQUIN	\$209,593	\$151,890	\$65,100	\$426,583
SAN LUIS OBISPO	\$93,916	\$68,060	\$29,171	\$191,147
SAN MATEO	\$150,630	\$109,160	\$46,786	\$306,576
SANTA BARBARA	\$89,721	\$65,020	\$27,868	\$182,609
SANTA CLARA	\$346,892	\$396,110	\$169,773	\$1,112,475
SANTA CRUZ	\$116,175	\$85,640	\$36,705	\$240,520
SHASTA	\$78,434	\$56,840	\$24,362	\$159,636
SIERRA	\$5,354	\$3,880	\$1,663	\$10,897
SISKIYOU	\$18,063	\$13,090	\$5,610	\$36,763
SOLANO	\$157,792	\$114,360	\$49,010	\$321,162
SONOMA	\$190,192	\$137,830	\$59,074	\$387,096
STANISLAUS	\$206,875	\$149,920	\$64,256	\$421,051
SUTTER	\$19,015	\$13,780	\$5,906	\$38,701
TEHAMA	\$32,497	\$23,550	\$10,094	\$66,141
TRINITY	\$11,053	\$8,010	\$3,433	\$22,496
TULARE	\$79,468	\$57,590	\$24,683	\$161,741
TUOLUMNE	\$28,674	\$20,780	\$8,906	\$58,360
VENTURA	\$133,630	\$96,840	\$41,506	\$271,976
YOLO	\$61,833	\$44,810	\$19,206	\$125,849
YUBA	\$37,616	\$27,260	\$11,684	\$76,560

\*\*\* Proposed funding is tentative pending budget approval and enactment. \*\*\*

Enclosure B

Contra Costa County is requesting participation in the Enhanced Anti-Fraud Program and will submit a plan and data as described above by September 1, 2010.

**Board of Supervisor Approval**

Approved on \_\_\_\_\_, 2010, by the County Board of Supervisors

Name of Approver: \_\_\_\_\_

Signature \_\_\_\_\_

**Name of County District Attorney Representative: Robert J. Kochly**

County District Attorney Representative Telephone: (925) 957-2200

E-mail address: [RKochly@contracostada.org](mailto:RKochly@contracostada.org)

**Name of County Welfare Department Representative: Joe Valentine**

County Welfare Department Representative Telephone: (925) 313-1578

E-mail address: [jvalentine@ehsd.cccounty.us](mailto:jvalentine@ehsd.cccounty.us)

Fraud Plan Budget  
FY 2010-2011

2 Social Workers (FTE's)	\$225,000
1 Registry Specialists (FTE)	\$152,284
1 Part Time Registry Specialist	
DA Investigator (additional contract time for full-time)	\$100,000
Data (Collections Clerk)	\$ 41,892
Equipment	\$ 18,703
Match (DA & EHSD)	<u>\$ 97,236</u>
	<b>\$635,115</b>

InKind Match

DA	Lt. of Inspectors (Sup) @.10 FTE	\$23,292
	Bldg. Occ @\$5625 x 1.1 FTE	\$ 6,187
	Data Processing & Phones @\$210/mo/pp	\$ 2,772
	Admin Fee @ 10% of \$132,251	<u>\$13,225</u>
		\$45,477
<u>EHSD</u>	EHSD Processing	<u>\$51,759</u>
		<b>\$97,236</b>

---

**Current Quality Assurance and Fraud Staffing includes:**

1	Social worker
1	DA Investigator – part time
1	Program Coordinator – part time
<b>Proposed staffing for Quality Assurance and Fraud and staffing for collaborative efforts by the Public Authority with the implementation of the State Budget Act required components:</b>	
3	Social workers
1	DA Investigator – full time
2	Public Authority Registry specialists
1	Data collection clerk – part time
1	Program coordinator – part time

**FY 2010-11 PLAN**  
**(A continuation of last year's plan.)**

The additional Fraud/Integrity funding allocated for FY 2010-11 would enable Contra Costa County to continue to expand on the developing efforts initiated with the FY 09-10 funding. With the late submission of the plan last fiscal year and staffing delays due to County budget issues, Contra Costa County could not maximize its planned efforts.

With this year's funding, Contra Costa does not plan on modifying the plan from last fiscal year.

**Background of Contra Costa County's  
Quality Assurance and Fraud/Integrity Efforts**

Since the implementation of Contra Costa's Quality Assurance and Quality Improvement Plan starting in FY 05/06, the IHSS program staff has been active in working with our District Attorney (DA) staff concerning potential fraud cases. With dedicated social worker position(s) for quality review and follow-ups, the IHSS program was able to develop a Fraud/Quality Review that became more systemized and effective in the pursuit of fraud. Fraud and quality case reviews have in many cases resulted in cost containment with a rebalancing of case time for tasks (a major cost reduction.) With the exception of about nine (9) months in 2007 where two Social Workers (down to one at present) were doing case reviews and preliminary fraud work, this process has continued to evolve and net, not just convictions but overpayments and restitution amounts that were comparable to larger counties with larger staffs. Increased convictions in 2008 resulted from having additional DA attorneys available to try cases. Reductions in funding have unfortunately reduced that level of staffing both for the DA and IHSS social workers. The Fraud/Quality Assurance (QA) Team has had the benefit of a consistent DA investigator that knows the IHSS program. There is a learning curve for understanding and approaching these cases to be effective in the assembly of evidence necessary for DA prosecuting attorneys to successfully prosecute cases. Meeting monthly with the DA and other partners in Fraud Prevention (as described in Fraud Referrals and Outcomes) has contributed to the success and improvement of the QA efforts since the beginning.



## **CURRENT CONTRA COSTA COUNTY FRAUD EFFORTS**

The IHSS Quality Assurance (QA) Unit has continued to send all referrals to the California Department of Health Care Services (DHCS) each quarter but has relied on the local efforts of the County District Attorney (DA) for fraud case follow-up. With the increased support and funding under the State Budget Act of 2009, Contra costa expects to utilize the efforts and contributions from its State partners, (DHCS and CDSS) in combating fraud. Access to different data sources available to these agencies could be useful in combined efforts. With an enhanced tracking of data, communications and case results could be shared and fraud detected faster. Reportable data regarding combined efforts, convictions and shared best practices can be tracked and reported.

Our current Quality Assurance team continues to follow up on error rates using death match lists, 300+ reports of providers, hospitalization reports, and the random review of questionable situations concerning both providers and consumers.

Contra Costa's current efforts to explore potential fraud and adjust case need through quality review will continue but will be greatly improved with additional staff. The tracking and processing of overpayments to the State needs some improvement and this funding will assist in this area. An expanded presence in the community with these quality assurance efforts will contribute to fraud containment.

**COLLABORATIVE PARTNER ENHANCEMENTS IN  
ADDITIONAL PROGRAM INTEGRITY EFFORTS**

Many of the anti-fraud components listed in the State Budget Act of 2009 require local (county) active participation, especially with respect to provider background checks, orientations, and fingerprinting. Contra Costa proposes that we fund two (2) Registry Specialists in the IHSS Public Authority to meet the requirements of these fraud containment efforts. As mentioned in the Fraud Referral Outcomes section, our Public Authority is an ongoing participant in our multi-disciplinary team (MDT) that makes referrals and assists in the investigations that result in District Attorney (DA) follow-up. Both the payroll clerks and the Public Authority staff are now (along with the QA Social Worker) called upon to testify in court. With additional fraud efforts this funding will be necessary to go beyond what is currently being done. The increased number of provider orientations and background checks and the issues resulting (false identifications, criminal records, appeals, and increased efforts to accommodate greater numbers of consumers without providers) can be better dealt with through increasing our collective efforts with the Public Authority.

### **IHSS OVERPAYMENTS/UNDERPAYMENTS**

Overpayments that need to be collected from providers that will not be receiving earnings any longer will be sent to the County's Office of Revenue Collection (ORC). Amounts of overpayment from ongoing providers are tracked but only recently (2008/09). The accounting and collection of these funds are provided to EHSD's Fiscal Unit from ORC and put into a fund account until payments can be sent to the State. (Overpayment process is described in Attachment C.)

Overpayments that are restitution amounts as a result of court convictions are submitted directly to the Office of Revenue Collection (ORC.) A report from ORC to EHSD Fiscal Unit tracks these recoveries. Additional funding under this plan would allow for an assigned data staff person to more effectively track and do the accounting and submission of overpayments back to the State. In accordance with ACL 09-32 regarding overpayment processing, this data tracking person could bring better accounting to what is recovered. Currently, staffing levels have prevented a seamless recovery and submission of overpayment funds to the State. Underpayments, of which there are considerably fewer, are not currently tracked but with the additional tracking clerk, this data could be easily accounted for.

The accurate accounting of data will be vital with the final data submission in August 2011 to CDSS.

### **FRAUD REFERRALS/OUTCOMES**

Currently Quality Assurance (QA) staff meet with staff from the District Attorney (DA), Payroll, and the Public Authority (PA) each month in what is known as the Multi-disciplinary Team (MDT) to discuss and evaluate IHSS potential fraud cases that could be investigated further or might be coming up for trial or hearings. When a potential fraud is suspected, or a case needs further investigation by Quality Assurance or the District Attorney it is submitted (using the DA-100a form) to the Quality Assurance Unit by the referring party and inventoried. Many of the cases that the District Attorney chooses not to investigate are cases on which the Quality Assurance social worker still may follow up. These cases may, after investigation, yield considerable savings to the program from the case adjustments made to the allocated task times/overall needs/or case situation. Having the additional Quality Assurance social worker making these readjustments to cases will be enhanced. Currently, these figures are not reported on the State QA Quarterly report but with a tracking clerk and the additional social workers this will net large cost savings that can statistically be captured and reported.

## **COLLABORATION AND PARTNERSHIP WITH DISTRICT ATTORNEY'S OFFICE (DAO)**

As mentioned above, the Quality Assurance (QA) staff meets regularly with the District Attorney's (DA) staff. Also, the QA social worker works closely with the DA investigator in home visits and interviews with clients and providers. These efforts often result in case coordination and convictions. Outcomes by year are included. Social workers and IHSS payroll staff are regularly used to testify regarding overpayment and case fraud circumstances. Additional funding will provide for additional investigative time (1 FTE) and in-kind support will contribute to data tracking, supervision and space costs. Additional funds from this plan would allow for more targeted reviews and follow-up culminating in a higher number of cases investigated and ready for prosecution. This ultimately leads to higher overpayment recovery.

**COLLABORATION AND PARTNERSHIPS WITH CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS) AND THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)**

To date Contra Costa County Quality Assurance (QA) Unit sends all of the referrals from all referring parties to DHCS on a quarterly basis. With the shortage of DHCS investigative staff, we have not had a working relationship. With the passage of the State Budget Act of 2009 there will be a greater involvement with staff of DHCS. Contra Costa welcomes additional partners that can add to data element reviews, investigations and prosecutions. The additional efforts of DHCS will benefit investigations of fraud that can range between multiple counties. The potential fraud cases that involve multiple counties require considerable investigative staff that is difficult with limited resources. The adding of District Attorney investigative staff time will allow for more cases to be investigated and will allow for the time that will be needed in the collaborative efforts with DHCS.

County: Contra Costa County

Overpayments identified by County QA		04/05	05/06	06/07	07/08	08/09
Breakdown of Causes	Total Amount per Fiscal Year:	NA	NA	NA	17,863	38,174
	Number of Instances:	NA	NA	NA	57	220
	Provider:	NA	NA	NA	52	198
	Recipient:	NA	NA	NA	5	22
	County Error:	NA	NA	NA	NA	NA
	Unknown:	NA	NA	NA	--	--
	Other:	NA	NA	NA	--	--

Underpayments identified by County QA		04/05	05/06	06/07	07/08	08/09
Breakdown of Causes	Total Amount per Fiscal Year:	NA	NA	NA	NA	NA
	Number of Instances:	NA	NA	NA	NA	NA
	Provider:	NA	NA	NA	NA	NA
	Recipient:	NA	NA	NA	NA	NA
	County Error:	NA	NA	NA	NA	NA
	Unknown:	NA	NA	NA	NA	NA
	Other:	NA	NA	NA	NA	NA

Fraud Referrals/Outcomes		04/05	05/06	06/07	07/08	08/09
Individuals Responsible	Number of referrals to DHCS:	14	55	83	111	93
	Number handled locally by DA:	14	55	83	111	90
	Number of convictions:	2	2	5	7	20
	Court Ordered Restitution:	2	2	5	7	20
	Amount of funds involved in the convictions:	\$3,250	\$7,301	\$11,324	\$20,604	\$182,686
	Amount of funds recovered:	NA	NA	NA	NA	NA
	Amount of funds pending recovery:	NA	NA	NA	NA	NA
	Basis for the Conviction:	NA	NA	NA	NA	NA
	Recipient:	NA	NA	NA	NA	NA
	Provider:	NA	NA	NA	NA	NA
	County Staff:	NA	NA	NA	NA	NA
	Other:	NA	NA	NA	NA	NA
	Unknown:	NA	NA	NA	NA	NA

Utilization of County DA for Fraud		04/05	05/06	06/07	07/08	08/09
Documented referrals to DA*		44	55	83	111	93
Outcomes	Accepted:	2	25	35	48	37
	Rejected:	12	30	48	63	56
	Pending:	0	0	0	NA	NA
	Completed Investigation					
	No Fraud:					7
	Restitution Action:	1	2	5	7	20
	Referred for Prosecution:	--	--	9	30	7
	Criminal Charges Filed:	--	--	8	21	5
	No Charged Filed:	--	--	1	9	2
	Convictions:	2	2	5	7	20
	Acquittals:	0	0	0	0	0
	Dismissals:	0	0	0	0	0
	Pending Investigation:	0	0	0	NA	NA
	Restitution					
	Court Ordered:	2	2	5	7	20
	Restitution Action:	--	--	--	--	--
	Fines	--	--	--	4	13
	Prosecutions Completed	2	2	5	7	20
	Convictions	2	2	5	7	20
	Misdemeanor	1	2	3	4	10
	Felony	1		2	3	10



## Fraud Data Annual Outcomes Report

County: Contra Costa

Overpayments identified		09/10	10/11	11/12	12/13	13/14
Total Amount per Fiscal Year:		118,148				
Number of Instances:		113				
Breakdown of Causes	Provider:	74				
	Recipient:	39				
	County Error:	NA				
	Unknown:	NA				
	Other:	NA				

Underpayments identified		09/10	10/11	11/12	12/13	13/14
Total Amount per Fiscal Year:		0				
Number of Instances:		0				
Breakdown of Causes	Provider:	0				
	Recipient:	0				
	County Error:	0				
	Unknown:	0				
	Other:	0				

Fraud Referrals/Outcomes		09/10	10/11	11/12	12/13	13/14
Number of referrals to DHCS:		126				
Number handled locally:		126				
Number of convictions:		2				
Amount of funds involved in the convictions:		25,354				
Amount of funds recovered:		NA				
Amount of funds pending recovery:		98,104				
Individuals Responsible	Recipient:	NA				
	Provider:	NA				
	County Staff:	NA				
	Other:	NA				
	Unknown:	NA				

### Fraud Data Annual Outcomes Report

Utilization of County DA for Fraud		09/10	10/11	11/12	12/13	13/14
Number of referrals to DA:		126				
Accepted:		30				
Rejected:		96				
Outcomes	Acquitted:	0				
	Pending:	10				
	<b>Completed Investigations</b>					
	No Fraud:	5				
	Restitution Action:	0				
	Referred for Prosecution:	19				
	Criminal Charges Filed:	4				
	No Charges Filed:	15				
	Convictions:	0				
	Acquittals:	0				
	Dismissals:	0				
	Pending Investigation:	6				
	Court Ordered Restitution:	2				
	Restitution Action:	0				
	Fines:	25,354				
	Prosecutions Completed	2				
	Convictions	2				
	Misdemeanor:	1				
	Felony:	1				

**BUDGET JUSTIFICATION**  
**Contra Costa County's Fraud Funding Plan for FY 2010-11**

BUDGET SECTION		
	Total	
A.	Personnel Costs (includes employee benefits); Social Workers and Data collections Clerk	\$266,892
B.	Operating Expenses	97,236
C.	Equipment Expenses	18,703
D.	Travel / Per Diem and Training	0
E.	Subcontracts and Consultants – Public Authority and District Attorney's Office	252,284
F.	Other costs	0
G.	Indirect Expenses – Included	0
	<b>TOTAL EXPENSES</b>	<b>\$635,115</b>
A.	Personnel Costs (including employee benefits)	
	Social Workers Salary Calculation: 2.0 Duties Description: Expand the current Quality Assurances/Fraud efforts to conduct additional fraud investigations. Coordinate with State in combined investigations and follow-up. Expand the case reviews and overpayment recovery activities. Additional coordination with district attorney's office. Continue to participate in the Multi-Disciplinary Fraud Team (MDT).	\$225,000
	Data Collections Clerk Salary Calculation: .5 FTE Duties Description: Staffing capacity for coordination and recovery of overpayments. Staff to be responsible for hospitalization and death match overpayments. Coordinate with fiscal unit, recovery unit and quality assurance team. CMIPS II follow-up data searches.	\$41,892
	<b>TOTAL PERSONNEL COSTS</b>	<b>\$266,892</b>
B.	Operating Expenses	
	EHSD/DA Operating Expenses Description: Space support costs and overhead. Some indirect included due to County Expense Claim process.	\$97,236
C.	Equipment Expenses	\$18,703
D.	Travel/Per Diem and Training	0
E.	Subcontracts and Consultants	
	Registry/Training Specialist – 1.5 FTE Description: Explains to providers that they must undergo a criminal background investigation; sends LiveScan forms to providers, conducts anti-fraud orientations for all providers, explains what fraud is and has providers sign an in-house form stating that they understand what fraud is; works intensely with consumers and pro-	\$152,284

		viders to ensure that they understand what behavior constitutes fraud and the penalties involved. Completes referrals to the IHSS Fraud/QC Unit, consults and coordinates with the Public Authority's representatives to the Fraud Multi-Agency Team Meetings on issues and cases.	
		<b>District Attorney Senior Inspector – Temporary</b> Description: This is a sworn peace officer position assigned to the Investigative Division of the District attorney's Office. The incumbent in this position will be an experienced peace officer with investigative experience. The investigator will utilize their experience and expertise to effectively and efficiently investigate suspected IHSS fraud. The Investigator will work with other peace officers, investigators, IHSS personnel, and deputy district attorneys during the course of their work. Their duties will include assessing case information and leads, interviewing suspects and witnesses, preparing and serving search warrants, collecting evidence, documenting their case activity in an investigative report, reviewing cases with the deputy district attorney for criminal filing, testifying in court and making arrests. The investigator will also ensure that the confidentiality of records is maintained as required by law.	\$100,000
		<b>TOTAL SUBCONTRACTS AND CONSULTANTS</b>	<b>\$252,284</b>
	F.	Other Costs	0
	G.	Indirect Expenses	0

A	DA-100A In Home Supportive Services Referral for Action on Suspected Fraud
B	Program Memo 05-01 Utilization Procedure for IHSS Reports and QA Referrals
C	Program Memo 8-05 IHSS Overpayment Recovery Procedures
D	Procedure for IHSS Fraud / QC Referrals
E	The IHSS Fraud / QC Referral Flow